

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

**DEFENDANT'S
RESPONSE TO THE
GOVERNMENT'S
MOTION TO QUASH
SUBPOENA FOR TRIAL
TESTIMONY OF
RICHARD HANNA**

Criminal Case No.:
3:18-CR-00124-TJM

v.

KAREEM YOUNG,

Defendant.

1. By letter dated April 8, 2019 defendant applied to the Court for permission to serve a subpoena on Richard Hanna. The Court then required defense counsel to submit an *ex parte* justification for the issuance of the subpoena. That justification was sent to the Court through the Clerk's Office by e-mail dated April 10, 2019. The Court apparently reviewed the email and authorized issuance of the subpoena.

2. It is respectfully submitted that the justification offered to the Court is not in any way inconsistent with the materials submitted by the government in connection with its motion to quash.

3. The government did provide defense counsel with the names of Mr. Hanna's former staff members. Two of them, Terre Dennis and Patricia Vail Dellonte,

were interviewed by Special Agent North on behalf of the government in this case in 2014. According to Agent North's memorandum of the interview, Dennis stated that defendant had been to Hanna's Binghamton office on several occasions and that Dellonte "handled his case." Defense counsel was informed that he could contact Dennis and Dellonte through Brooks Hanner, Esq., who is an attorney for the United States House of Representatives. Accordingly, defense counsel spoke to Mr. Hanner at least twice and engaged in an e-mail exchange with him. The bottom line of the conversations and e-mails was that, according to Mr. Hanner, neither Dennis nor Dellonte had any recollection of contacts with defendant nor did they have any records pertaining to defendant's contact with Mr. Hanna's congressional office.

4. Defense counsel did not see how substituting Dennis and/or Dellonte for Hanna advanced his client's defense or the truth-seeking process. Furthermore, Dennis and Dellonte are apparently working in the House of Representatives in Washington, DC. Hanna, on the other hand, is a private citizen who resides in the Northern District of New York. It was believed that it would be easier, less expensive, and just as effective to subpoena Mr. Hanna.

5. Defense counsel does not wish to disclose any further information regarding trial strategy or questions that will be put to Mr. Hanna in this filing. If the Court requires some additional explanation for the testimony of Richard Hanna, defendant will submit it *in camera*.

6. It is respectfully submitted that the legal arguments relied upon by the government in support of its motion are without merit. The cases relied upon do not deal with criminal trials and do not implicate the defendant's Sixth Amendment right to compulsory process. Nor do they implicate defendant's constitutional right to present a defense. Furthermore, the apparent exception in civil actions to enforcing subpoenas on "high ranking government officials" mentioned in the decisions do not apply to this case. Richard Hanna is a private citizen, not a government official. This distinction is significant. The justification for excusing high ranking government officials from testifying in civil cases is that the courts do not wish to burden these officials with "inordinate amounts of time tending to pending litigation". The government has not identified for the Court any public duty burdening Mr. Hanna which would be disrupted by his appearance in court.

Dated: April 24, 2019
Vestal, New York

Respectfully submitted,

LEVENE GOULDIN & THOMPSON, LLP

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